THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.16627 of 2007

Date: 07.08.2007

Between:

J.Veeraraghavamma.

....Petitioners

and

The Eastern Power Distribution Company of A.P. Limited and others.

....Respondents

O R D E R:

The petitioner is a domestic consumer of power supply. On noticing that the recording of consumption was not accurate in the meter, the respondents issued a show cause notice, dated 21.06.2005, to the petitioner. After receipt of the same, the petitioner submitted her representation. The third respondent passed an order of back billing, dated 20.10.2006, levying a sum of Rs.1,30,559/-. The petitioner preferred an appeal before the second respondent. The power supply was disconnected in the meanwhile. The petitioner challenges the order of final assessment and alleges that even while the appeal is pending, the respondents have disconnected the power supply.

On behalf of the respondents, a counter-affidavit is filed. It is stated that the appeal preferred by the petitioner was rejected through letter, dated 25.05.2007, on the ground that the petitioner failed to deposit 50% of the amount involved.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The principal contention urged on behalf of the petitioner is that the defect in the meter was never pointed out by the

respondents and even assuming that there is defect in recording of the consumption, the back billing cannot exceed a period of three months under the revised terms and conditions of supply. It is also urged that the maximum period for which the back billing can be done is six months and in the instant case, the back billing was done for a period of four years.

This Court would have gone into the merits of the matter, but for the fact that there exists an alternative remedy for the petitioner. She, no doubt, preferred an appeal, but did not comply with the conditions, obviously because she felt it onerous. For a domestic consumer, it would certainly be a matter of great hardship, if he is required to pay the back billing amount calculated for a period of four years. It is not even alleged that the petitioner was responsible in any way for the defect in the meter.

Under these circumstances, the writ petition is disposed of, directing the respondents to restore the power supply, on payment of a sum of Rs.30,000/- (Rupees thirty thousand only). Such payment shall be treated as adequate compliance for preferring the appeal and the appellate authority shall dispose of it on merits. There shall be no order as to costs.

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07.08.2007

Note: Issue cc tomorrow.
kdl